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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES R. MCDANIEL,

Defendant.

No. 18-839-SJO

STIPULATION REGARDING REQUEST FOR  
(1) CONTINUANCE OF TRIAL DATE AND  
(2) FINDINGS OF EXCLUDABLE TIME  
PERIODS PURSUANT TO SPEEDY TRIAL  
ACT

**CURRENT TRIAL DATE: February 12,**  
**2019**

**PROPOSED TRIAL DATE: August 6,**  
**2019**

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Central District of California and Assistant United States Attorney Ruth C. Pinkel, and defendant James R. McDaniel ("defendant"), both individually and by and through his counsel of record, Deputy Federal Public Defender Seema Ahmad, hereby stipulate as follows:

1. The Indictment in this case was filed on December 4, 2018. Defendant first appeared before a judicial officer of the court in which the charges in this case were pending on December 18, 2018.

1 The Speedy Trial Act, 18 U.S.C. § 3161, originally required that the  
2 trial commence on or before February 26, 2019.

3 2. On December 18, 2018, the Court set a trial date of  
4 February 12, 2019.

5 3. Defendant is detained pending trial. The parties estimate  
6 that the trial in this matter will last approximately 2-3 days.

7 4. By this stipulation, defendant moves to continue the trial  
8 date to August 6, 2019. This is the first request for a continuance.

9 5. Defendant requests the continuance based upon the following  
10 facts, which the parties believe demonstrate good cause to support  
11 the appropriate findings under the Speedy Trial Act:

12 a. Defendant is charged with violations of 26 U.S.C.  
13 § 7201: Tax Evasion. The government has produced discovery to the  
14 defense, including over 540 pages of tax returns, tax information,  
15 bank records, and witness interview reports. The government expects  
16 to produce additional discovery in the coming weeks including records  
17 from an IRS civil audit file and additional bank records.

18 b. Defense counsel is presently scheduled to be in trial  
19 on the following dates in the following cases: (1) 02/19/19 - U.S. v.  
20 Garza, CR 18-478-ODW, 2 defendants, 3 day trial in a distribution of  
21 meth and aiding and abetting case; (2) 02/26/19 - U.S. v. Cutting, CR  
22 16-198-GW, 1 defendant; 3 day trial in case of aiding and assisting  
23 in preparation of false tax returns; (3) 03/05/19 - U.S. v. Thomas,  
24 CR 18-838-ODW, 1 defendant; 2 day bank fraud and theft of mail by  
25 postal service employee trial; (4) 03/19/19 - U.S. v. Amaya, CR 18-  
26 678-FMO, 1 defendant; 2 day trial of alien in possession of firearms  
27 and ammunition; (5) 3/19/19 - U.S. v. Candia, CR 18-781-ODW, 1  
28 defendant; 2 day trial for possession with intent to distribute

1 methamphetamine; (6) 3/19/19 - U.S. v. Muhammad, CR 18-348-JAK, 1  
2 defendant; 3 day trial for possession with intent to distribute  
3 controlled substances; (7) 3/26/19 - U.S. v. Mays, CR 18-814-DMG, 1  
4 defendant; 2 day trial for possession with intent to distribute meth  
5 and fentanyl; (8) 4/9/19 - U.S. v. Marquez, CR 18-564-DSF, 1  
6 defendant; 2 day trial for abusive sexual contact and application of  
7 certain criminal laws of acts on aircraft; (9) 4/16/19 - U.S. v.  
8 Vidal, CR 18-593-SJO, 1 defendant; 2 day trial for possession of  
9 unregistered firearms and not identified by serial number and  
10 possession of ammunition; (10) 4/30/19 - U.S. v. Andrade, CR 18-123-  
11 A, 1 defendant; 3 day trial for possession with intent to distribute  
12 fentanyl; (11) 5/07/19 - U.S. v. Natale, CR 18-611-FMO, 1 defendant;  
13 2 day trial for distribution and possession of child pornography.  
14 Accordingly, counsel represents that she will not have the time that  
15 he/she believes is necessary to prepare to try this case on the  
16 current trial date.

17 c. In light of the foregoing, counsel for defendant also  
18 represents that additional time is necessary to confer with  
19 defendant, conduct and complete an independent investigation of the  
20 case, conduct and complete additional legal research including for  
21 potential pre-trial motions, review the discovery and potential  
22 evidence in the case, and prepare for trial in the event that a  
23 pretrial resolution does not occur. Defense counsel represent that  
24 failure to grant the continuance would deny her reasonable time  
25 necessary for effective preparation, taking into account the exercise  
26 of due diligence.

1           d. Defendant believes that failure to grant the  
2 continuance will deny him continuity of counsel and adequate  
3 representation.

4           e. The government does not object to the continuance.

5           f. The requested continuance is not based on congestion  
6 of the Court's calendar, lack of diligent preparation on the part of  
7 the attorney for the government or the defense, or failure on the  
8 part of the attorney for the Government to obtain available  
9 witnesses.

10          6. For purposes of computing the date under the Speedy Trial  
11 Act by which defendant's trial must commence, the parties agree that  
12 the time period of February 12, 2019 to August 6, 2019, inclusive,  
13 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
14 (h)(7)(B)(i), (h)(7)(B)(iv) because the delay results from a  
15 continuance granted by the Court at defendant's request, without  
16 government objection, on the basis of the Court's finding that: (i)  
17 the ends of justice served by the continuance outweigh the best  
18 interest of the public and defendant in a speedy trial; (ii) failure  
19 to grant the continuance would be likely to make a continuation of  
20 the proceeding impossible, or result in a miscarriage of justice; and  
21 (iii) failure to grant the continuance would unreasonably deny  
22 defendant continuity of counsel and would deny defense counsel the  
23 reasonable time necessary for effective preparation, taking into  
24 account the exercise of due diligence.

25          7. Under the Speedy Trial Act, if the trial is continued to  
26 August 6, 2019, the last possible day for trial to commence would be  
27 August 20, 2019.

8. Nothing in this stipulation shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods be excluded from the period within which trial must commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the period within which trial must commence.

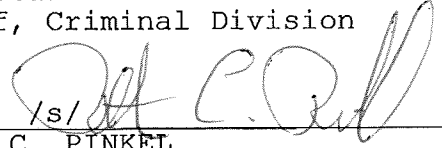
IT IS SO STIPULATED.

Dated: January <sup>February 5,</sup> ~~1~~, 2019

Respectfully submitted,

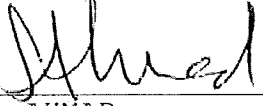
NICOLA T. HANNA  
United States Attorney

LAWRENCE S. MIDDLETON  
Assistant United States Attorney  
Chief, Criminal Division

  
/s/ RUTH C. PINKEL  
Assistant United States Attorney

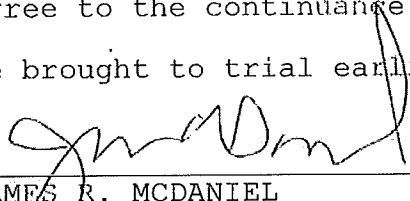
Attorneys for Plaintiff  
UNITED STATES OF AMERICA

I am James R. McDaniel's attorney. I have carefully discussed every part of this stipulation and the continuance of the trial date with my client. I have fully informed my client of his Speedy Trial rights. To my knowledge, my client understands those rights and agrees to waive them. I believe that my client's decision to give up the right to be brought to trial earlier than August 6, 2019 is an informed and voluntary one.

  
SEEMA AHMAD  
Attorney for Defendant  
JAMES R. MCDANIEL

2/5/19  
Date

1 I have read this stipulation and have carefully discussed it  
2 with my attorney. I understand my Speedy Trial rights. I voluntarily  
3 agree to the continuance of the trial date, and give up my right to  
4 be brought to trial earlier than August 6, 2019.

5   
6 JAMES R. MCDANIEL  
Defendant

February 5, 2019  
DATE